



# UNITED STATES PATENT AND TRADEMARK OFFICE

*clo*  
UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.      | CONFIRMATION NO.   |
|--|-------------|----------------------|--------------------------|--------------------|
| 09/810,355   | 03/19/2001  | John J. Mueller      | M304.12.1                | 9202               |
| 7590   | 03/31/2004  |                      |                          |                    |
| Richard O. Bartz<br>Suite 350<br>6750 France Avenue South<br>Edina, MN 55435 |             |                      | EXAMINER<br>BUI, THACH H |                    |
|  |             |                      | ART UNIT<br>3752         | PAPER NUMBER<br>12 |

DATE MAILED: 03/31/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/810,355

Applicant(s)

MUELLER, JOHN J.

Examiner

Thach H Bui

Art Unit

3752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7 and 8 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 9 and 16-18 is/are rejected.
- 7) ☒ Claim(s) 3-6, 10-15 and 19-23 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

**DETAILED ACTION**

1. The amendment filed January 17, 2002 has been received and entered.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 9, 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over both Prior Art and Pritchard (U.S. Patent No. 1,757,736) and further in view of Zabriskie (U.S. Patent No. 1,686,309).

Prior art teaches a grease gun having a body, a base joined to the body, a barrel joined the body, a grease dispensing member connected to the barrel, an elongated grease pumping chamber located in the body and barrel, a grease supply passage in the base and body to open the pumping chamber to allow grease to flow into the pumping chamber, a check valve connected to the barrel to prevent grease and air flowing back from the grease dispensing member into the pumping chamber, and a plunger located in the grease pumping chamber (see Fig. 1). Pritchard teaches a dispensing gun having a thread hole (16) in the body aligned with the supply passage (14) and open to the pumping chamber (indicated as A) (see Fig. 2), and a thread stem (indicated as B) (see Fig. 2) located in the thread hole. The thread stem has at least one linear groove open to the pumping chamber and a head joint to the stem (see Fig.

Art Unit: 3752

2). The head and stem when rotated in one direction opens the side groove to atmosphere whereby air in the pumping chamber is bled therefrom and the head and stem when rotated in a direction opposite from the direction closes the threaded hole to prevent material from flowing out of the threaded hole. Both Prior art and Pritchard failed to teach a linear side groove in the stem for allowing air to bleed from the pumping chamber. Zabriskie teaches a linear side groove (41) for allowing air to bleed from the pumping chamber. It would have been obvious to one having ordinary skills in the art to modify the teachings of Prior art and Pritchard and combine with Zabriskie to have a linear side groove in the stem for allowing air to bleed from the pumping chamber.

***Allowable Subject Matter***

3. Claims 3-6, 10-15, 19-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
4. Claims 7-8 are allowed.

***Response to Arguments***

5. Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thach H Bui whose telephone number is 703-305-0063. The examiner can normally be reached on Monday-Friday, 7:30-4 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Mar can be reached on 703-308-2087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to be 'Thach H. Bui', with a long horizontal stroke extending to the right.

Thach H. Bui  
Patent Examiner  
AU3752